IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 15326 of 2007(Y)

AGAINST THE ORDER IN EP 364 2006 IN OS.772/2004 of I ADDL.M.C.,ERNAKULAM
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PETITIONER:

K.N. SURENDRAN, S/O. NARAYANAN,
ASSISTANT, L.I.C. OF INDIA (C.A.B), C.S.I.
COMMERCIAL COMPLEX, BAKER JUNCTION, KOTTAYAM.

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:
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1. P.U. NOUSHAD, S/O. UMMER,
NO.3/18, PALLIMITTATHU, 'CHANDINI',
SOUTH CHEMBUMUKKU, KAKKANAD.

2. P.P. THANKAPPAN, S/O. PANIKAN,
HGA, LIC OF INDIA, KALOOR BRANCH, KOCHI.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.15326 OF 2007

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Dated this the 29th day of May, 2007

JUDGMENT

This writ petition is preferred to quash the order of attachment ordered by the Munsiff's Court-I, Ernakulam.

2. I have heard the learned counsel for the writ petitioner in detail. It is submitted by him that there is no callous negligence on the part of his client to pay the amount. But due to circumstances beyond his control, he was unable to pay the amount in time and that he is prepared to pay the amount at the rate of Rs.2,000/- per month. Previously such an opportunity had been given to him which he had not fully availed of. He prays for some indulgence by this court.

3. Though, strictly, he is not entitled to such a beneficial consideration, considering the factum that he had the intention to wipe off the entire liability, I feel the order of attachment can be kept in abeyance for a period of two months from 1.6.2007 onwards, provided the writ petitioner pays an amount of Rs.2,500/- to the decree holder or to his counsel on or before 1.6.2007. Then he has to necessarily pay the same

amount in the next month as well. In the meanwhile the execution court is directed to give him an opportunity after issuing notice to the learned counsel for the decree holder. On hearing both sides he may pass appropriate orders as to whether the judgment debtor can be permitted to wipe off the decree debt at the rate of Rs.2500/- per month.

With these observations, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-